

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CAROL LYNN STEWART
4646 Willamette Street
Shasta Lake, CA 96019

Registered Nurse License No. 559008

Respondent

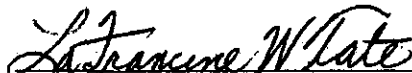
Case No. 2007-83

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on January 27, 2008.

IT IS SO ORDERED December 27, 2007.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS, State Bar No. 154990
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8 Attorneys for Complainant

9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 CAROL LYNN STEWART
4646 Willamette Street
14 Shasta Lake, CA 96019

15 Registered Nurse License No. 559008

16 Respondent.
17

Case No. 2007-83

OAH No. 2007-83

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Jeffrey
24 M. Phillips, Deputy Attorney General.

25 2. Carol Lynn Stewart (Respondent) is represented by Mary Work,
26 Esq., 1334 Park View Ave #100, Manhattan Beach, CA 90266.

27 3. On or about August 20, 1999, the Board of Registered Nursing issued
28 Registered Nurse License No. 559008 to Carol Lynn Stewart (Respondent). The Nurse was in

1 full force and effect at all times relevant to the charges brought in Accusation No. 2007-83 and
2 will expire on October 31, 2006, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2007-83 was filed before the Board of Registered Nursing
5 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
6 Accusation and all other statutorily required documents were properly served on Respondent on
7 October 10, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A
8 copy of Accusation No. 2007-83 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and
11 allegations in Accusation No. 2007-83. Respondent has also carefully read, and understands the
12 effects of this Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
15 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
16 the right to present evidence and to testify on her own behalf; the right to the issuance of
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in
24 Accusation No. 2007-83.

25 9. Respondent agrees that her Registered Nursing License is subject to
26 discipline and she agrees to be bound by the Board of Registered Nursing (Board)'s imposition
27 of discipline as set forth in the Disciplinary Order below.

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unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension. Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when she resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state. Respondent shall provide a list of all

1 states and territories where she has ever been licensed as a registered nurse, vocational nurse, or
2 practical nurse. Respondent shall further provide information regarding the status of each
3 license and any changes in such license status during the term of probation. Respondent shall
4 inform the Board if she applies for or obtains a new nursing license during the term of probation.

5 **5. Submit Written Reports.** Respondent, during the period of probation,
6 shall submit or cause to be submitted such written reports/declarations and verification of actions
7 under penalty of perjury, as required by the Board. These reports/declarations shall contain
8 statements relative to Respondent's compliance with all the conditions of the Board's Probation
9 Program. Respondent shall immediately execute all release of information forms as may be
10 required by the Board or its representatives. Respondent shall provide a copy of this Decision to
11 the nursing regulatory agency in every state and territory in which she has a registered nurse
12 license.

13 **6. Function as a Registered Nurse.** Respondent, during the period of
14 probation, shall engage in the practice of registered nursing in California for a minimum of 24
15 hours per week for 6 consecutive months or as determined by the Board. For purposes of
16 compliance with the section, "engage in the practice of registered nursing" may include, when
17 approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient
18 care position that requires licensure as a registered nurse. The Board may require that advanced
19 practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6
20 consecutive months or as determined by the Board.

21 If Respondent has not complied with this condition during the probationary term,
22 and Respondent has presented sufficient documentation of her good faith efforts to comply with
23 this condition, and if no other conditions have been violated, the Board, in its discretion, may
24 grant an extension of Respondent's probation period up to one year without further hearing in
25 order to comply with this condition. During the one year extension, all original conditions of
26 probation shall apply.

27 **7. Employment Approval and Reporting Requirements.** Respondent is
28 unable to work in a floater capacity, except in her current employment at Shasta Regional

1 Medical Center, as a floating nurse responsible for setting PIC (peripherally inserted catheter)
2 lines, in patients, at the hospital. Any other employment shall require prior approval from the
3 Board before commencing or continuing any employment, paid or voluntary, as a registered
4 nurse. Respondent shall cause to be submitted to the Board all performance evaluations and
5 other employment related reports as a registered nurse upon request of the Board.

6 Respondent shall provide a copy of this Decision to her employer and immediate
7 supervisors prior to commencement of any nursing or other health care related employment.

8 In addition to the above, Respondent shall notify the Board in writing within
9 seventy-two (72) hours after she obtains any nursing or other health care related employment.
10 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
11 terminated or separated, regardless of cause, from any nursing, or other health care related
12 employment with a full explanation of the circumstances surrounding the termination or
13 separation.

14 8. **Supervision.** Respondent shall obtain prior approval from the Board
15 regarding Respondent's level of supervision and/or collaboration before commencing or
16 continuing any employment as a registered nurse, or education and training that includes patient
17 care.

18 Respondent shall practice only under the direct supervision of a registered nurse
19 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
20 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
21 are approved.

22 Respondent's level of supervision and/or collaboration may include, but is not
23 limited to the following:

24 (a) **Maximum** - The individual providing supervision and/or collaboration is
25 present in the patient care area or in any other work setting at all times.

26 (b) **Moderate** - The individual providing supervision and/or collaboration is in
27 the patient care unit or in any other work setting at least half the hours Respondent works.

28 (c) **Minimum** - The individual providing supervision and/or collaboration has

1 person-to-person communication with Respondent at least twice during each shift worked.

2 (d) Home Health Care - If Respondent is approved to work in the home health
3 care setting, the individual providing supervision and/or collaboration shall have person-to-
4 person communication with Respondent as required by the Board each work day. Respondent
5 shall maintain telephone or other telecommunication contact with the individual providing
6 supervision and/or collaboration as required by the Board during each work day. The individual
7 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
8 site visits to patients' homes visited by Respondent with or without Respondent present.

9 9. **Employment Limitations.** Respondent shall not work for a nurse's
10 registry, in any private duty position as a registered nurse, a temporary nurse placement agency,
11 a traveling nurse, or for an in-house nursing pool.

12 Respondent shall not work for a licensed home health agency as a visiting nurse
13 unless the registered nursing supervision and other protections for home visits have been
14 approved by the Board. Respondent shall not work in any other registered nursing occupation
15 where home visits are required. Respondent shall not work in any health care setting as a
16 supervisor of registered nurses. The Board may additionally restrict Respondent from
17 supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case
18 basis. Respondent shall not work as a faculty member in an approved school of nursing or as an
19 instructor in a Board approved continuing education program. Respondent shall work only on a
20 regularly assigned, identified and predetermined worksite(s) and shall not work in a float
21 capacity. If Respondent is working or intends to work in excess of 40 hours per week, the Board
22 may request documentation to determine whether there should be restrictions on the hours of
23 work.

24 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
25 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
26 than six months prior to the end of her probationary term. Respondent shall obtain prior
27 approval from the Board before enrolling in the course(s). Respondent shall submit to the Board
28 the original transcripts or certificates of completion for the above required course(s). The Board

1 shall return the original documents to Respondent after photocopying them for its records.

2 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
3 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
4 amount of \$1,812.50. Respondent shall be permitted to pay these costs in a payment plan
5 approved by the Board, with payments to be completed no later than three months prior to the
6 end of the probation term. If Respondent has not complied with this condition during the
7 probationary term, and Respondent has presented sufficient documentation of her good faith
8 efforts to comply with this condition, and if no other conditions have been violated, the Board, in
9 its discretion, may grant an extension of Respondent's probation period up to one year without
10 further hearing in order to comply with this condition. During the one year extension, all
11 original conditions of probation will apply.

12 12. **Violation of Probation.** If Respondent violates the conditions of her
13 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
14 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
15 license. If during the period of probation, an accusation or petition to revoke probation has been
16 filed against Respondent's license or the Attorney General's Office has been requested to
17 prepare an accusation or petition to revoke probation against Respondent's license, the
18 probationary period shall automatically be extended and shall not expire until the accusation or
19 petition has been acted upon by the Board.

20 13. **License Surrender.** During Respondent's term of probation, if she ceases
21 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
22 probation, Respondent may surrender her license to the Board. The Board reserves the right to
23 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
24 take any other action deemed appropriate and reasonable under the circumstances, without
25 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
26 will no longer be subject to the conditions of probation.

27 Surrender of Respondent's license shall be considered a disciplinary action and
28 shall become a part of Respondent's license history with the Board. A registered nurse whose

1 license has been surrendered may petition the Board for reinstatement no sooner than the
2 following minimum periods from the effective date of the disciplinary decision:

3 (1) Two years for reinstatement of a license that was surrendered for any
4 reason other than a mental or physical illness; or

5 (2) One year for a license surrendered for a mental or physical illness.

6 14. **Physical Examination.** Within 45 days of the effective date of this
7 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
8 physician assistant, who is approved by the Board before the assessment is performed, submit an
9 assessment of the Respondent's physical condition and capability to perform the duties of a
10 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
11 medically determined, a recommended treatment program will be instituted and followed by the
12 Respondent with the physician, nurse practitioner, or physician assistant providing written
13 reports to the Board on forms provided by the Board.

14 If Respondent is determined to be unable to practice safely as a registered nurse,
15 the licensed physician, nurse practitioner, or physician assistant making this determination shall
16 immediately notify the Board and Respondent by telephone, and the Board shall request that the
17 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
18 shall immediately cease practice and shall not resume practice until notified by the Board.
19 During this period of suspension, Respondent shall not engage in any practice for which a
20 license issued by the Board is required until the Board has notified Respondent that a medical
21 determination permits Respondent to resume practice. This period of suspension will not apply
22 to the reduction of this probationary time period.

23 If Respondent fails to have the above assessment submitted to the Board within
24 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
25 practice until notified by the Board. This period of suspension will not apply to the reduction of
26 this probationary time period. The Board may waive or postpone this suspension only if
27 significant, documented evidence of mitigation is provided. Such evidence must establish good
28 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be

1 provided. Only one such waiver or extension may be permitted.

2 **15. Participate in Treatment/Rehabilitation Program for Chemical**
3 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
4 period or shall have successfully completed prior to commencement of probation a Board-
5 approved treatment/rehabilitation program of at least six months duration. As required, reports
6 shall be submitted by the program on forms provided by the Board. If Respondent has not
7 completed a Board-approved treatment/rehabilitation program prior to commencement of
8 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled
9 in a program. If a program is not successfully completed within the first nine months of
10 probation, the Board shall consider Respondent in violation of probation.

11 Based on Board recommendation, each week Respondent shall be required to
12 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g.,
13 Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and
14 directed by the Board. If a nurse support group is not available, an additional 12-step meeting or
15 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
16 such attendance to the Board during the entire period of probation. Respondent shall continue
17 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
18 mental health examiner and/or other ongoing recovery groups.

19 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.**
20 Respondent shall completely abstain from the possession, injection or consumption by any route
21 of all controlled substances and all psychotropic (mood altering) drugs, including alcohol, except
22 when the same are ordered by a health care professional legally authorized to do so as part of
23 documented medical treatment. Respondent shall have sent to the Board, in writing and within
24 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
25 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
26 medication will no longer be required, and the effect on the recovery plan, if appropriate.

27 Respondent shall identify for the Board a single physician, nurse practitioner or
28 physician assistant who shall be aware of Respondent's history of substance abuse and will

1 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
2 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
3 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
4 condition. If any substances considered addictive have been prescribed, the report shall identify
5 a program for the time limited use of any such substances.

6 The Board may require the single coordinating physician, nurse practitioner, or
7 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
8 addictive medicine.

9 17. **Submit to Tests and Samples.** Respondent, at her expense, shall
10 participate in a random, biological fluid testing or a drug screening program which the Board
11 approves. The length of time and frequency will be subject to approval by the Board.
12 Respondent is responsible for keeping the Board informed of Respondent's current telephone
13 number at all times. Respondent shall also ensure that messages may be left at the telephone
14 number when she is not available and ensure that reports are submitted directly by the testing
15 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
16 to the Board by the program and Respondent shall be considered in violation of probation.

17 In addition, Respondent, at any time during the period of probation, shall fully
18 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
19 tests and samples as the Board or its representatives may require for the detection of alcohol,
20 narcotics, hypnotics, dangerous drugs, or other controlled substances. If Respondent has a
21 positive drug screen for any substance not legally authorized and not reported to the coordinating
22 physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke
23 probation or an accusation, the Board may suspend Respondent from practice pending the final
24 decision on the petition to revoke probation or the accusation. This period of suspension will not
25 apply to the reduction of this probationary time period.

26 If Respondent fails to participate in a random, biological fluid testing or drug
27 screening program within the specified time frame, Respondent shall immediately cease practice
28 and shall not resume practice until notified by the Board. After taking into account documented

1 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
2 Board may suspend Respondent from practice pending the final decision on the petition to
3 revoke probation or the accusation. This period of suspension will not apply to the reduction of
4 this probationary time period.

5 **18. Mental Health Examination.** Respondent shall, within 45 days of the
6 effective date of this Decision, have a mental health examination including psychological testing
7 as appropriate to determine her capability to perform the duties of a registered nurse. The
8 examination will be performed by a psychiatrist, psychologist or other licensed mental health
9 practitioner approved by the Board. The examining mental health practitioner will submit a
10 written report of that assessment and recommendations to the Board. All costs are the
11 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
12 result of the mental health examination will be instituted and followed by Respondent.

13 If Respondent is determined to be unable to practice safely as a registered nurse,
14 the licensed mental health care practitioner making this determination shall immediately notify
15 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
16 office prepare an accusation or petition to revoke probation. Respondent shall immediately
17 cease practice and may not resume practice until notified by the Board. During this period of
18 suspension, Respondent shall not engage in any practice for which a license issued by the Board
19 is required, until the Board has notified Respondent that a mental health determination permits
20 Respondent to resume practice. This period of suspension will not apply to the reduction of this
21 probationary time period.

22 If Respondent fails to have the above assessment submitted to the Board within
23 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
24 practice until notified by the Board. This period of suspension will not apply to the reduction of
25 this probationary time period. The Board may waive or postpone this suspension only if
26 significant, documented evidence of mitigation is provided. Such evidence must establish good
27 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
28 provided. Only one such waiver or extension may be permitted.

19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nursing License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: September 7, 2007

Carol Lynn Stewart
CAROL LYNN STEWART (Respondent)
Respondent

I have read and fully discussed with Respondent CAROL LYNN STUART, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: Sept 12, 2017

Mary Work
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 10/3/07

EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General

JEFFREY M. PHILLIPS
Deputy Attorney General
Attorneys for Complainant

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DOJ Matter ID: SA2006101394
stipulated settlement.2.wpd

1 BILL LOCKYER, Attorney General
of the State of California
2 JEFFREY M. PHILLIPS, State Bar No. 154990
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6 Attorneys for Complainant
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8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2007-83

14 **CAROL LYNN STEWART**
4646 Willamette Street
15 Shasta Lake, California 96019

A C C U S A T I O N

16 Registered Nurse License No. 559008

17 Respondent.
18

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23 Affairs.

24 **License History**

25 2. On or about August 20, 1999, the Board issued Registered Nurse License
26 Number 559008 ("license") to CAROL LYNN STEWART ("Respondent"). The license was in
27 full force and effect at all times relevant to the charges brought herein and will expire on
28 October 31, 2006, unless renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 2761 states, in pertinent part:

(a) Unprofessional conduct, . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a)

1 and (b) of this section, or the possession of, or falsification of a record pertaining to, the
2 substances described in subdivision (a) of this section, in which event the record of the
conviction is conclusive evidence thereof.

3 **COST RECOVERY**

4 8. Code section 125.3 provides, in pertinent part, that the Board may request
5 the administrative law judge to direct a licensee found to have committed a violation or
6 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
7 and enforcement of the case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Criminal Conviction)**

10 9. Respondent is subject to disciplinary action under Code section 2761,
11 subdivision (f), in that on or about January 9, 2006, in the Superior Court of California, County
12 of Shasta, in the case entitled, *People of the State of California v. Carol Lynn Stewart* (Super Ct.
13 Shasta County, 2005, Case No. MC RD CRF 050006216), Respondent was convicted by her plea
14 of nolo contendere of violating Vehicle Code sections 23153, subdivision (b) (Driving Under the
15 Influence of .08% or More of Alcohol Content Causing Bodily Injury to Another), with Special
16 Enhancement of violating Vehicle Code section 23578 (Had a Blood Alcohol Content of .20% or
17 Higher), both misdemeanors. The circumstance of the crimes are that Respondent did willfully
18 and unlawfully drive a vehicle, with three juvenile children aboard, while having .20% or more
19 of alcohol content, resulting in an accident which caused bodily injuries to the three juvenile
20 children. Such crimes are substantially related to the functions, duties, and qualifications of a
21 registered nurse.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Using an Alcoholic Beverage in a Manner Dangerous or Injurious)**

24 10. Respondent is subject to disciplinary action under Code section 2761,
25 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
26 subdivision (b), in that Respondent used an alcoholic beverage to an extent or in a manner
27 dangerous or injurious to herself, any other person, or the public, as set forth in paragraph 9,
28 above.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction Involving the Consumption of Alcohol)**

3 11. Respondent is subject to disciplinary action under Code section 2761,
4 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
5 subdivision (c), in that Respondent was convicted of crimes involving the consumption of an
6 alcoholic beverage, as set forth in paragraph 9, above.

7 **PRAYER**


8 WHEREFORE, Complainant requests that a hearing be held on the matters herein
9 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 559008 issued
11 to CAROL LYNN STEWART;

12 2. Ordering CAROL LYNN STEWART to pay the Board the reasonable
13 costs of the investigation and enforcement of this case pursuant to Code section 125.3; and,

14 3. Taking such other and further action as deemed necessary and proper.

15
16 DATED: 10/3/06

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18 
19 RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant
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